

## **SERC Meeting**

**July 8, 2004**

**10:00 am**

Rudy Raynes began the meeting at 10:05 am, a quorum was present, for those in attendance see attached roster. The minutes of April 13, 2004, were reviewed. Rudy Raynes asked for corrections, deletions or additions. *Jim Riggs moved to approve the minutes. Dan McKinney seconded. Motion passed.* Rudy Raynes introduced KC Linder, Wood County OES Director, and Curtis Criegler, Pendleton County OES Director.

### **Old Business :**

**DOJ Grants** - Nothing new to report.

**2004 HMEP Grants** -Marion County received \$3557.50 to complete their grant. Requests for progress reports were sent to LEPCs July 7, 2004, for those who have not submitted their quarterly reports.

**2005 HMEP Grant** - Grant applications were received from 21 LEPCs for \$122,637.00. The planning grant allocation is \$76,976.50. The sub-committee will need to review applications, evaluate and make recommendations on the quality of applications received. Denny McGann, Rudy Raynes, Joe Wyatt and Dan McKinney volunteered to serve on the sub-committee. Discussion on when and where to conduct the meeting followed. It was determined the sub-committee will meet at Kanawha/Putnam LEPC board room in September. Time and date will be set later.

**SERC Grants**-Wood County received \$2600, Monongalia received \$925.41, completing both grants. Grant and Hampshire counties are being held for additional information. Mid-year progress reports not received from LEPCs were mailed reminders on July 7, 2004, to submit reports as soon as possible.

**Plan Reviews**- Nothing to report

**LEPC Membership Approvals** -None

**By-Laws** - Several by-laws are being held for additional information: Braxton, Brooke, Calhoun, Grant and Morgan. Emails were sent to LEPCs requesting additional information on specific categories not included in the original by-law submissions. Tom Burns discussed the formation of SERC by-laws, when they were composed and who led the discussion. Walt Smittle and Carl Bradford, under direction of Governor Moore, were tasked with composing and publishing the SERC by-laws sometime in 1988 or 1989. It was decided to request the Secretary of State search their records to determine if by-laws were produced and submitted.

**Training Subcommittee** - Jim Cox reported RESA and WVU Fire Service Extension are continuing to expend their HMEP training funds. WVU has expended all of their

allocation and RESA has expended ½ of their funds with more invoices being received daily. There was considerable discussion of NIMS (National Incident Management System) compliance requirements, terminology changes, deadline for compliance, etc. Jim Cox noted Paul Howard has been reviewing the current draft of the NRP (National Response Plan) which states, "it could be up to 1 year before prerequisites are identified". However the deadline for compliance is October 1, 2004. Jim Cox recommends taking IS 700 online and ICS 100 or have RESA teach the Fire Academy ICS course. Dan McKinney said the October 4, 2004 law enforcement training is scheduled and suggested it may be a good time to introduce some of those new requirements to law enforcement. Rudy Raynes said the biggest difference he has determined is the addition of a terrorism section and terminology, including replacing task force with strike team.

**SERC Conference** - Rudy Raynes reported 150 participants are signed up, speakers notified and confirmed and a draft agenda is completed for review. There was discussion on the CSX class and the request by Christy Morris, MAPS Cabinet Secretary, to add a particular class she thought was important for LEPCs and Counties to attend. After considerable discussion, the CSX class was deleted and Operation Respond and Crisis Communications were added to the agenda. Laverne Stout also noted the host hotel, Embassy Suites has sold out of our block of rooms. A list will be sent to LEPCs, OES Directors and others on area hotels with room rates of \$100.00 or less with available space. A reminder, the conference begins at 1:00 pm on Monday, August 2, 2004, through Wednesday, August 4<sup>th</sup>. Lunch will be provided on Wednesday as well. Jim Cox reported the exercise/drill is progressing and he will review hotel space to determine if sufficient meeting rooms are booked and if more are needed, he will make those arrangements.

**Treasurer's Report** - The Kanawha/Putnam LEPC treasurers report has been plagiarized for use by the SERC. Hopefully, the format is easier to read than previous reports which proved difficult to understand. See attached reports from Jan-Jun 04. Basically, the SERC receives \$120,000 in Tier Two fees, \$140,570 from HMEP reimbursement and miscellaneous funds from other sources. With the expenditures allocated presently the SERC will be \$40-45,000 short this year. In the last three years, the surplus has been dwindling. The number of LEPC's becoming active and obtaining their grants, the increasing cost of the conference and increased personnel costs have caused the surplus to be consumed. 2004 personnel costs have been modified and the conference was paid for by DHS, hopefully allowing the budget to be balanced this year. However, the SERC must cut expenditures for the upcoming year.

**New Business** - There was considerable discussion on a letter drafted to Deputy Attorney General Dawn Warfield, concerning SERC duties and responsibilities. The discussion centered on review of SERC by-laws to determine if issues in the letter are addressed in the by-laws. Denny McGann asked if our by-laws can be amended to reflect current SERC policies, if so, a letter to the Attorney General will not be necessary. Jim Riggs asked if the Legislative Rules for the SERC were filed with the Secretary of State's office and if so, the by-laws would have been constructed using them as a guide. Determination was made to place the letter on hold until a copy of the

by-laws or legislative rules can be obtained. Rudy Raynes also submitted a letter for review concerning the oil and gas industry's recent request to clarify the definition of an oil and gas facility. Tom Burns, Director of Operations, said the definition of an oil and gas facility was determined by consensus with US EPA (Mr. Joe Popp) and the State of Ohio in 1993/1994 during a 6 month time frame. We also discussed the definition with the oil and gas industry during Tier Two workshops held in 1993, 1994 and 1995. During those workshops, each oil and gas company had a different opinion of what should constitute a facility/site. During those discussions, which included Joe Popp (now deceased), a definition was agreed upon based upon US EPA's definition of an oil and gas facility/site. Tom Burns said in his opinion the SERC should maintain their definition of an oil and gas site and as US EPA has not modified their stance that an oil field cannot be construed as one oil/gas facility the current definition is sufficient. Laverne Stout read the definition of an oil and gas facility from the Legislative Rules (Title 55) . "Oil and gas extraction storage facility" means a facility that exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained or produced in connection with the production or storage of crude oil or natural gas; receives the crude oil liquid hydrocarbon or other stored fluids by direct conveyance through piping or tubing; is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained; and is used for the storage of the crude oil, liquid hydrocarbons or other fluids prior to their transportation off the premises of the facility for sale, use or disposal." Discussion continued on the proposed fee increase and the oil and gas industry opposition. It was reiterated the proposed fee increase will affect everyone not just oil and gas. The proposed fee increase will only increase the minimum currently at \$25 to \$100. This fee is paid by every entity regardless of substances who are required to file Tier Two's.

FEMA offered the SERC the opportunity to apply for a 2005 CERCLA grant. In August, FEMA approved the grant application and allocated the WV SERC \$3250 (one state in the Region did not request funds). The SERC needs to make a decision on how the grant should be expended. The original grant application requested \$10,000 for the SERC Conference, US EPA Conference and US EPA RRT meetings. A determination needs to be made at the October, 2004, meeting for the reduced amount.

Laverne Stout reported in 2003 there were 1668 facilities and 7366 wells reporting Tier Two's and in 2004, there are 1617 facilities and 7133 wells. On a year to year basis, this number will change depending on the number of active wells, businesses storing hazardous or extremely hazardous substances and business moving in or out of the state.

*Giles Watson moved to adjourn, Dan McKinney seconded, Motion passed.* Meeting ended at 11:19. **The next scheduled meeting will be October 12, 2004, at 10:00 am at the State EOC, Building 1 Room EB-80, Charleston, WV.**

<b>October 12, 2004</b>	<b>10:00 am</b>	<b>State EOC</b>
<b>December 14, 2004</b>	<b>10:00 am</b>	<b>State EOC</b>